

ORIGINAL

In the United States District Court
for the middle District of Pennsylvania

JAMES H. WILLIAMS
(Plaintiff)

Civil No^o 1:CV-01-0280

vs

RICHARD L. SPAIDE
(Defendant)

Judge Kane

FILED
HARRISBURG, PA

OCT 19 2004

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

Notice of Change of Address
And

Motion For Enlargement of Time to file
Reply in opposition to Defendant's Statement of
Materials facts and Motion for Summary Judgment

JAMES H. WILLIAMS, pro se, AY-8692 is
currently housed at S.C.F. Greene, 175 Progress DR
Wapkesburg, Pa. 15370. please forward all notice at
S.C.F. Greene.

Plaintiff respectfully request that the time for
filing a response to Court order directing Plaintiff to
Reply to Defendant statement of Materials facts and
Motion for Summary Judgment concerning inmate's civil
Rights action brought pursuant to 42 U.S.C. § 1983. identif-
-ied above be extended ten (10) days from October 18, 2004
to October 28, 2004 - and, in support thereof, states:

1. On ~~October~~ September 30, 2004, the clerk
entered this Court's order directing that Plaintiff ~~file~~

1- shall file a brief in opposition, a response to Defendant's statement of Material facts, and any evidentiary material contravening those submitted by Defendant, within Fifteen (15) days from the date of this Order, or the motion for Summary judgment will be deemed unopposed and may be granted without a Merits Analysis.

2. Since the order was served by mail, Plaintiff Rec'd Notice October 7, 2004 (Thursday). for unknown Reasons. the response is currently due on October 15, 2004 with additional days for mailing.

3. Plaintiff will be unable to file his response on its current due date.

4. At the moment, S.C.E. - Greene Law-Library staff Ms. Higgins declines to follow D.O.C. policy, according to S.C.E. Greene policy dated January 10, 2000. Request for photo copies of Confidential materials etc, will be collected by Unit Manager prior to Tuesday and Thursday. etc, once copies have been made, staff member from Education Dept will deliver these photo copies to Unit Manager. U.M. will distribute copies directly to you.

Plaintiff is not aware of any recent change in this policy to date or Rec'd any up-date memo.

5. On October 7, 2004 (Thursday) Plaintiff Request for Law-Library staff to pick-up legal documents for photo-copying. Tuesday October 12, 2004 MS. Higgins replied by request-slip stating to give c/o on your unit these documents or place them in the mail?

This is contrary to Greene procedure, usually when an inmate request to have legal documents photo copied a staff from Law-Library will directly stop at the inmate cell and pick-up the requested documents and personally return documents back to inmate for his signature upon receipt.

6. Several years ago Greene stop having inmates place their legal documents in the mail system because law library wasn't always receiving these documents. Plaintiff own documents got lost years ago and Green never took responsibility or replace materials

7. October 12, 2004 Plaintiff filed Grievance concerning issue unfortunately response is not due until 10 days from date of complaint. for Green to correct error.

8. Plaintiff attempted to hand Sgt Hubay 6 to 10 shift his legal documents on October 12, 2004 to no avail he (Sgt) did ~~not~~ not want responsibility if documents got lost. Thursday October 14, 2004, Plaintiff seen counselor Mr. Evan who confirmed G-Unit staff % are reluctant to accept such documents from inmates to place in mail. they realize if documents comes up missing or lost their name goes on the law suit not library staff. It's Plaintiff duty each time he attempts to hand staff his legal documents to bring such matter to staff attention.

9. Plaintiff also written superintendent Louis Folina by Request-slip concerning this issue to no avail.

10. Plaintiff can not force staff to make photo-copies for him. Plaintiff law suit deals with ~~the~~ complaint against Unit manager at S.C.F. Malcomoy, at this time being denied access with Courts.

11. Thus, it is necessary for Plaintiff to seek additional time for filing the response in this case. (Brief ARE COMPLETED only need documents photo copied)

Wherefore, Plaintiff respectfully request an additional ten (10) days to October 28, 2004 in which to file response and order S.C.F. Greene Mr. Folina to provide photo copying service according.

Respectfully Submitted
James Williams
JAMES WILLIAMS AY-8692
(3) pro se.

In the United States District Court
For the Middle District of Pennsylvania

James H. Williams
(Plaintiff)

Civil No# 1:CV-01-0280

vs

Richard L. Spaide
(Defendant)

Judge Kane

Certificate of Service

I, James H. Williams, pro se, hereby certify that on October 14, 2004, a copy of the foregoing pleading was served by placing same, first class postage prepaid, in the United States Mail addressed to:

Linda S. Lloyd (D.A.G.)
Office of Attorney General
15th Floor, Strawberry Square
Litigation Section
Harrisburg, Pa. 17120

Date October 14, 2004

Respectfully Submitted
James Williams

James H. Williams AY-8692
175 Progress Dr.
Waynesburg, Pa. 15370

In the United States District Court
For the Middle District of Pennsylvania

James H. Williams
(Plaintiff)

Civil No[#] 1:CV-01-0280

vs

Richard L. Spaide
(Defendant)

Judge Kane

Order

And now, this day of 2004,
Plaintiff time for filing a response to Defendant
statement of Materials facts and motion for Summary
Judgment is extended to October 28, 2004.

And
J.C.G. Greene, Supt Folio, is directed to
provide Plaintiff ~~with adequate~~
James Williams - AY-8692, with
"adequate" access to photo copy legal documents.

By the Court

Judge Kane
U.S. District Judge

To: office of the clerk
U.S. District Court
U.S. Court House
228 Walnut Street
P.O. Box 983
Harrisburg, Pa. 17108

JAMES WILLIAMS
AY-8692
175 Progress DR
Waynesburg, Pa. 15370

October 14, 2004

RE: Williams vs Spaide
Civil No# 1:01-cv-01-0280

DEAR CLERK

Enclose please find one (1) original only of
A) Notice of change of address,
B) Motion for Enlargement of time to file Reply
in opposition to Defendant's Statement of Materials facts
and C) Motion for Summary Judgment with order
directing S.C.G. Greene Supt Folina to provide Plaintiff
with access for photo copying materials.

Plaintiff is only able to provide this court
with original and mail Defendant with carbon copy of
motion. Reasons listed within motion.

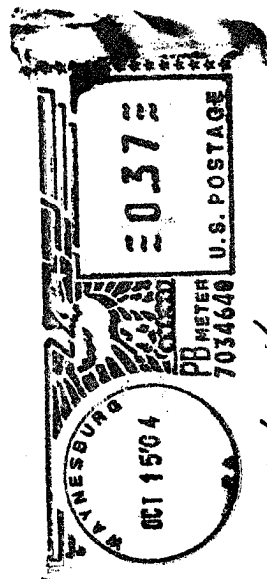
P.S. If possible could the clerks office
call S.C.G. Greene Supt Folina or Ms. Higgins Head Librarian
and inquire into the matter why staff decline
to pick-up Plaintiff legal documents for photo copying
as requested per policy, so that Plaintiff can make
court dead-line.

Truly yours James Williams pro se

Williams AY-8692

175 Progress Drive
Waynesburg, PA., 15370

PRIVATE MAIL
PA. DEPT.
OF CORRECTIONS



To: Office of the Clerk
United States District Court
U.S. Court House
228 Walnut Street
P.O. Box 983
Harrisburg, Pa. 17108

(Legal Mail)

17108+0953 11